

Consumer Grievance Redressal Forum
FOR BSES YAMUNA POWER LIMITED
(Constituted under section 42 (5) of Indian Electricity Act. 2003)
Sub-Station Building BSES (YPL) Regd. Office Karkardooma,
Shahdara, Delhi-110032
Phone: 32978140 Fax: 22384886
E-mail: cgrfbypl@hotmail.com
SECRETARY'S OFFICE

CA No. Applied for
Complaint No. 465/2024

In the matter of:

Ruksana Begum & Mohd YunusComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. P.K. Agrawal, Member (Legal)
3. Mr. S.R. Khan, Member (Technical)
4. Mr. H.S. Sohal, (Member)

Appearance:

1. Mr. Chamendra Kaushik, Counsel of the complainant
2. Mr. R.S. Bisht, Ms. Chhavi Rani & Mr. Akshat Aggarwal, On behalf of BYPL

ORDER

Date of Hearing: 20th May, 2025

Date of Order: 22nd May, 2025

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. The brief fact of the case giving rise to this grievance is that the complainant is user of electricity vide CA no. 152899827 installed at premises no. A-825, GF, New Seelampur, Delhi-110053. The meter connection was installed by OP after completion of all the commercial formalities. It is also their submission that they are regularly paying all the electricity bills as and when raised by OP. Suddenly in the month of May 2024, OP raised them a bill of Rs. 1,47,750/- with a threat to pay the said bill or face electricity disconnection.

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CGRF (BYPL)

1 of 5

Complaint No. 465/2024

2. The respondent in reply briefly stated that the present complaint has been filed by complainant seeking waiver of energy dues vide electricity bill amounting to Rs. 1, 47,750/-. Of electricity connection bearing CA no. 152899827. OP further stated that the registered consumer of above mentioned connection is Ms. Geeta Verma w/o Vimal Verma at premises bearing address A-82, GF, New Seelampur, Shahdara, Delhi-110053. The said connection was installed on 30.08.2019 and he said premise is old constructed. The complainant is not registered consumer of the respondent.

Reply further added that property bearing no. A-82, New Seelampur, Shahdara, delhi-110053 consists of 9 shops and the said electricity connection of Ms. Geeta Verma is installed and being used at shop no. 5 in A-82, New Seelampur, Shahdara, Delhi-53.

It is also submitted that at the time of site inspection of the premises in question, it was revealed that the premises were previously occupied by a user namely Taj Mohd. Further the said connection vide CA no. 101259203 got disconnected on 28.11.2018 on account of non-payment of pending dues amounting to Rs 1,47,750/- . The said dues were transferred to live connection of Geeta Verma bearing CA no. 152899827 on 14.05.2024.

As per the site visit report dated 19.04.2024, the electricity meter of Taj Mohd vide CA No. 101259203 was removed from the premises in question, and later on the electricity meter of Ms. Geeta Verma vide C A no. 152899827 got installed at the premises in question on 30.08.2019. However, it is pertinent to mention here that at the address mentioned on the electricity bill used by Mr. Taj Mohd. Vide CA no. 101259203 is A-82, shop no. 5, New Seelampur, Shahdara, Delhi-110053 but the complainant has deliberately and with the malafide intention has sought the electricity connection at premises bearing address A-82, GF, New

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CGRF (EYFL)

2 of 5

Complaint No. 465/2024

Seelampur, Delhi-110053 vide CA no. 152899827 by installing the same at premises in question i.e. shop no. 5 on 30.08.2019, which was earlier used by Mr. Taj Mohd. For Biryani Shop.

Reply further added that Ms. Geeta Verma has submitted title documents of the premises in question by way of GPA dated 22.06.2017 wherein, it is categorically mentioned that the GPA is executed pursuant to a one shop on ground floor, without roof rights bearing part of the property no. A-82, area measuring 6 feet by 10 feet, which clearly speaks that the premises is a shop on the ground floor of the premises. However, Ms. Geeta Verma has intentionally and deliberately misrepresented the applied address of the premises in question as A-82, GF, New Seelampur, Delhi-110053 instead of applying the connection by mentioning the address of premises in question.

3. Despite giving ample opportunities, the complainant failed to file rejoinder.
4. Arguments of both the parties were heard.
5. From the narration of facts and material placed before us we find that the connection of Taj Mohd was disconnected in the year 2018 and if we consider OP's contention that the dues pertain to same premises then the said dues were to be recovered by OP at the time of granting new electricity connection to Geeta Verma in the year 2019.

if we go through the Regulations concerned Regulations 10 & 11 of DERC (Supply Code and Performance Standards) Regulations 2017 deal with new connections. Sub-Regulations 5 of Regulations 10 specifically states that new connection shall be given only after outstanding dues of the premises are duly paid.

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Secretary
CGRF (BYPL)

3 of 5

Complaint No. 465/2024

6. Further regulations 11 (1) (iv) & (v) are also relevant which stipulates as under:

11. New Electricity Connection:-

(iv) The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently.

(v) In case the Licensee fails to intimate the applicant about any deficiencies in his application on the spot or within the stipulated 2 (two) days in case of online application, as the case may be, the application shall be deemed to have been accepted by the Licensee on the date of receipt of the application.

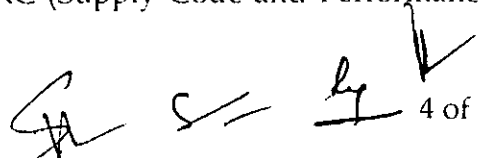
7. Thus as per aforesaid Regulations, not only this that the outstanding dues are must to be cleared prior to grant of new connection but also OP has to indicate all deficiencies in one go and cannot raise any other deficiency later on.

In the present case on grant of new connection in the name of Geeta Verma in the year 2019, OP had already claimed pro-rata of the outstanding dues with respect to energy as well as enforcement dues pending at entire property bearing no. A-82. The complainant in total had paid approx of Rs. 50,000/- including service line cum development charges (receipts enclosed).

8. On the basis of the aforesaid findings, we are of the considered view that as on date OP can't claim the outstanding dues of disconnected connection of the connection in the name of Taj Mohd, after forfeiting its right to claim or recover the outstanding dues as per Proviso to Sub-Regulation 2 of Regulation 42 of DERC (Supply Code and Performance Standards) Regulations 2017.

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Secretary
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 4 of 5

Complaint No. 465/2024

ORDER

The complaint is allowed by this order. OP is directed to withdraw the dues of Rs. 1,47,750/- transferred on live connection vide CA no. 152899827, of Geeta Verma and correct/revise the bills accordingly.


This Order shall be complied within 21 days of the receipt of the certified copy or from the date it is uploaded on the Website of the Forum; whichever is earlier.

The parties are hereby informed that instant Order is appealable by the Consumer before the Ombudsman within 30 days of the receipt of the Order.

If the Order is not appealed against within the stipulated time, the same shall be deemed to have attained finally.

Any contravention of these Orders is punishable under Section 142 of the Electricity Act 2003.


(H.S. SOHAL)
MEMBER



(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

5 of 5

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